

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION

) MDL No. 2492
)
) Master Docket No. 1:13-cv-09116
)
) Judge John Z. Lee
)
) Magistrate Judge M. David Weisman

ANNUAL REPORT OF THE MEDICAL SCIENCE COMMITTEE

I, Wayne R. Andersen, declare as follows:

1. I am a former United States District Judge of the United States District Court for the Northern District of Illinois. On July 15, 2016, the Court appointed me as Special Master in the above-named matter, with “the responsibilities and tenure set forth in the Second Amended Settlement Agreement.” (Dkt. 278, ¶ 11.) Included among those responsibilities is serving as the Chair of the Medical Science Committee (“Chair”). (Dkt. 558-1, ¶ VIII.1.) As Chair, I make this report and declaration in that capacity and am competent to testify as to its contents.¹

Dr. Robert Stern.” (Dkt. 558-1, ¶ V.A.1) On July 15, 2016, the Court appointed these four individuals to the Medical Science Committee, with “the responsibilities and tenure set forth in the Second Amended Settlement Agreement.” (Dkt. 278, ¶ 12.) The members of the Medical Science Committee have reviewed and approved the contents of this report.

3. The Second Amended Settlement Agreement states that the Medical Science Committee’s responsibilities include:

- a. Meeting in person or by conference call at least once per calendar year;
- b. Preparing, annually reviewing and amending, if necessary, the Screening Questionnaire to ensure it meets current standards of care and fits the purposes of the Medical Monitoring Program;
- c. Preparing, annually reviewing and amending, if necessary, the Screening Criteria to ensure they meet the current standard of care and fit the purposes of the Medical Monitoring Program;
- d. Preparing, annually reviewing and amending, if necessary, the scope of the in-person Medical Evaluations to ensure they meet the current standard of care and fit the purposes of the Medical Monitoring Program; and
- e. Overseeing the performance to the Program Locations to ensure that the Program Locations are providing Medical Evaluations to Qualifying Class Members in accordance with the terms of the Second Amended Settlement Agreement.

(Dkt. 558-1, ¶ V.C.)

4. On November 23, 2021, the Medical Science Committee met by conference call to fulfill its responsibilities under the Second Amended Settlement Agreement. All members of the Medical Science Committee, including the Chairman, were present. Also attending were employees of the Program Administrator.

5. During the November 23, 2021, meeting, the Medical Science Committee reviewed the components of the Screening Questionnaire to ensure that they meet the current standards of care and fit the purposes of the Medical Monitoring Program. The consensus of the Medical Science Committee members was that all instruments included in the Screening Questionnaire are still widely used and remain applicable for the purposes of the Medical Monitoring Program. They further agreed that no additions to the Screening Questionnaire are appropriate at this time.

6. During the November 23, 2021, meeting, the Medical Science Committee reviewed the Screening Criteria (i.e., the “cut scores” for the instruments used in the Screening Questionnaire). This review included an analysis of the results of the Screening Questionnaires that have been completed to date, including the frequency with which the scores from each instrument in the Screening Questionnaire resulted in a Settlement Class Member qualifying for in-person Medical Evaluations. The Medical Science Committee chose not to modify the cut scores during the meeting but did request additional data and analysis from the Program Administrator. This analysis is currently underway and will be provided to the Medical Science Committee by January 2022. The Medical Science Committee agreed to revisit the Screening Criteria once it has received the additional data and analysis. If the Medical Science Committee decides to modify the cut scores as a result of its review of the data and analysis, it will direct the Program Administrator to adjust the cut scores in its administration of the Screening Questionnaire and will report this modification to the Parties and the Court.

7. During the November 23, 2021, meeting, the Medical Science Committee reviewed the scope of the Medical Evaluations to ensure they meet the current standard of care and fit the purposes of the Medical Monitoring Program. The consensus of the Medical Science Committee members was that the scope of the Medical Evaluations meets the current standard of care and fits the purposes of the Medical Monitoring Program. Members of the Medical Science Committee

also discussed upcoming meetings of national and international organizations that may revise and update standards of care over the coming year. They agreed to revisit the scope of the Medical Evaluations after reviewing the outcomes of those meetings, if applicable.

8. During the November 23, 2021, meeting, members of the Medical Science Committee discussed oversight of the performance of the Program Locations to ensure they are providing Medical Evaluations to Qualifying Class Members in accordance with the terms of the Second Amended Settlement Agreement. (Note: this was the first meeting of the Medical Science Committee since Program Locations began administering Medical Evaluations.) The Program Administrator reported various metrics regarding the provision of Medical Evaluations to date. The members of the Medical Science Committee agreed that they should direct the Program Administrator to gather additional data regarding the provision of Medical Evaluations and will reconvene in 2022 to define that additional data for the Program Administrator.

9. The activities described above represent those undertaken by the Medical Science Committee to fulfill its responsibilities under the Settlement in 2021. The Medical Science Committee looks forward to continuing to work closely with the Program Administrator to ensure delivery of the Screening Questionnaires and Medical Evaluations in accordance with the terms of the Second Amended Settlement Agreement.

EXECUTED on this 13th day of December 2021 at Chicago, Illinois.

/s/ Wayne R. Andersen

The Honorable Wayne R. Andersen
United States District Judge (Ret.)
Special Master